

K1008/20399

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants : Douglas G. Evans and John E. Nash  
Serial No. : 09/369,107  
Filed : August 5, 1999  
For : TRANSMYOCARDIAL REVASCULARIZATION  
SYSTEM AND METHOD OF USE  
Group : 3731  
Examiner : Kevin Truong

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PATENT & TRADEMARK OFFICE

TERMINAL DISCLAIMER

Assistant Commissioner for Patents  
Washington, D.C. 20231

09/11/2000 AMONDAF1 00000023 09369107  
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Sir:

I, DOUGLAS G. EVANS, represent that I am Chief Operating Officer of KENSEY NASH CORPORATION, the assignee of the entire right, title and interest in and to the above-entitled application, and that I have authority to make this Terminal Disclaimer on behalf of KENSEY NASH CORPORATION.

KENSEY NASH CORPORATION is a corporation organized and existing under the laws of the State of Delaware and has a place of business at Marsh Creek Corporate Center, 55 E. Uwchlan Avenue, Suite 504, Exton, Pennsylvania 19341.

KENSEY NASH CORPORATION hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154

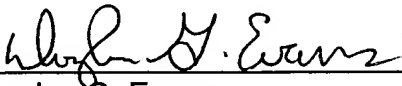
to 156 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 5,980,548. KENSEY NASH CORPORATION hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, KENSEY NASH CORPORATION does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


KENSEY NASH CORPORATION

DATE: 8-31-00

  
\_\_\_\_\_  
Douglas G. Evans,  
Chief Operating Officer

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**CERTIFICATE UNDER 37 CFR 3.73(b) ESTABLISHING RIGHT OF  
ASSIGNEE TO TAKE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Assignee of the entire right, title and interest hereby seeks to take action in the  
Patent and Trademark Office in this matter.

**IDENTIFICATION OF ASSIGNEE**

Kensey Nash Corporation  
A Corporation of the State of Delaware  
Marsh Creek Corporate Center  
55 E. Uwchlan Avenue, Suite 204  
Exton, PA 19341

**PERSON AUTHORIZED TO SIGN**

I, DOUGLAS G. EVANS, Chief Operating Officer for the Assignee, aver that I am  
empowered to sign this statement on behalf of the Assignee.

### **BASIS OF ASSIGNEE'S INTEREST**

All right, title and interest in and to Application Serial No. 09/369,107 were transferred to the Assignee by the inventors Douglas G. Evans and John E. Nash, in a written assignment which was recorded in the Patent and Trademark Office at Reel No. 010366, Frame No. 0269.

### **DECLARATIONS**

I, hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing thereon.

KENSEY NASH CORPORATION

Date 8-31-00

Douglas G. Evans  
Douglas G. Evans,  
Chief Operating Officer